

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

JUNIOR W. WRIGHT**PLAINTIFF**

v.

CIVIL ACTION**No. 1:19cv00110-SA-DAS**

**LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON AND/OR LINCOLN NATIONAL
LIFE INSURANCE COMPANY, FICTITIOUS
DEFENDANT A AND FICTITIOUS
DEFENDANT B**

DEFENDANT

CASE MANAGEMENT ORDER

This Order, including all deadlines, has been established with the participation of all parties and can be modified only by order of the Court on a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record.

IT IS HEREBY ORDERED:

1. ESTIMATED DAYS OF TRIAL: 1

ESTIMATED TOTAL NUMBER OF WITNESSES: 2

EXPERT TESTIMONY EXPECTED: Yes

NO. OF EXPERTS:

2

It is Plaintiff's position that fact witnesses will be permitted. It is Defendant's position that because this is a claim for recovery of benefits under ERISA, the case will be reviewed on the record.

2. ALTERNATIVE DISPUTE RESOLUTION [ADR]. (Pick one)

Alternative dispute resolution techniques appear helpful and will be used in this civil action as follows:

A Settlement Conference is set before U.S. Magistrate Judge David Sanders on March 25, 2020, in Oxford. The Settlement conference will begin at 10:00 a.m. and conclude no later than 1:00 p.m. The Parties are encouraged to begin settlement negotiations at least one week prior to the scheduled conference.

3. CONSENT TO TRIAL BY UNITED STATES MAGISTRATE JUDGE. (Pick one)

The parties do not consent to trial by a United States Magistrate Judge.

FORM 1 (ND/SD MISS. JAN. 2018)

4. DISCLOSURE. (Pick one)

The pre-discovery disclosure requirements of Fed.R.Civ.P.26(a)(1) and U.L.Civ.R. 16(d) and 26(a) have been complied with fully.

5. MOTIONS; ISSUE BIFURCATION. (Pick one)

Staged resolution, or bifurcation of the issues for trial in accordance with FED. R. CIV. P. 42(b) will not assist in the prompt resolution of this action.

Statement Not Applicable.

6. DISCOVERY PROVISIONS AND LIMITATIONS.

- A. Interrogatories are limited to 20 succinct questions.
- B. Requests for Production are limited to 20 succinct questions.
- C. Requests for Admissions are limited to 20 succinct questions.
- D. Depositions are limited to the parties, experts, and no more than 2 fact witness depositions per party without additional approval of the Court.

- E.** The parties have complied with the requirements of Local Rule 26(f)(2) and (3)(C) regarding discovery of electronically stored information and have concluded as follows:

All electronically stored information has been produced.

- F.** The court imposes the following further discovery provisions or limitations:

- ☐ 1. The parties have agreed that defendant may obtain a Fed.R.Civ. P. 35 (L.U.Civ.R. 35) medical examination of the plaintiff (within subpoena range of the court) by a physician who has not examined the plaintiff, and that defendant may arrange the examination without further order of the court. The examination must be completed in time to comply with expert designation discovery deadlines.
- ☐ 2. Pursuant to FED.R.EVID. 502(d), the attorney-client privilege and the work-product protections are not waived by any disclosure connected within this litigation pending before this Court. Further, the disclosures are not waived in any other federal or state proceeding.
- ☐ 3. Plaintiff must execute an appropriate, HIPAA-compliant medical authorization.
- ☐ 4. The court desires to avoid the necessity of filing written discovery motions where court participation in an informal discussion of the issue might resolve it, even after the parties have been unsuccessful in a good faith attempt to do so. Consequently, before a party may serve any discovery motion, counsel must first in good faith as required by Fed. R. Civ. P. 37(a)(1). If the attorney conference does not resolve the dispute, counsel must contact the chambers of the magistrate judge to request a telephonic conference to discuss the issue as contemplated by Fed. R. Civ. P. 16(b)(3)(B) (v). Only if the telephonic conference with the judge is unsuccessful in resolving the issue may a party file a discovery motion.
- ☒ 5. Other:
As this is an ERISA matter and such matters are generally decided based on the administrative record, only the limited discovery outlined in this order will be permitted. Leave of court must be obtained before any other discovery is propounded or attempted. Each side is limited to 20 succinct interrogatories, 20 succinct requests for production and 20 succinct requests for admissions. All discovery must be completed by May 1, 2020.

Additional information:

This is an ERISA matter. Accordingly, the Parties believe an abbreviated case management order should be entered. To facilitate the submission of the case to the Court, the parties propose the following deadlines in lieu of a standard schedule:

Joint Stipulated Record to be filed by the Parties by May 1, 2020.

Both parties shall submit Opening Trial Briefs by June 1, 2020.

Both parties shall submit Response Briefs by June 29, 2020.

7. SCHEDULING DEADLINES

A. Trial. This action is set for Choose Type:

beginning on: December 7, 2020, at 9:40, a.m., in Aberdeen,

Mississippi, before United States District Judge Sharion Aycock.

THE ESTIMATED NUMBER OF DAYS FOR TRIAL IS 1. ANY CONFLICTS WITH THIS TRIAL DATE MUST BE SUBMITTED IN WRITING TO THE TRIAL JUDGE IMMEDIATELY UPON RECEIPT OF THIS CASE MANAGEMENT ORDER.

B. Pretrial. The pretrial conference is set on: _____, at 9:00, a.m.,

in Choose City:, Mississippi, before United States District

Judge _____.

C. Discovery. All discovery must be completed by: _____.

D. Amendments. Motions for joinder of parties or amendments to the pleadings must be

filed by: _____.

E. Experts. The parties' experts must be designated by the following dates:

1. Plaintiff(s): _____.

2. Defendant(s): _____.

8. MOTIONS. All dispositive motions and *Daubert*-type motions challenging another party's expert must be filed by: _____. The deadline for motions *in limine* is fourteen days before the pretrial conference; the deadline for responses is seven days before the pretrial conference.

9. SETTLEMENT CONFERENCE.

A SETTLEMENT CONFERENCE is set on: March 25, 2020, at 10:00, a.m. in Oxford, Mississippi, before United States Magistrate Judge David Sanders.

Seven (7) days before the settlement conference, the parties must submit via e-mail to the magistrate judge's chambers an updated CONFIDENTIAL SETTLEMENT MEMORANDUM. All parties are required to be present at the conference unless excused by the Court. If a party believes the scheduled settlement conference would not be productive and should be cancelled, the party is directed to inform the Court via e-mail of the grounds for their belief at least seven (7) days prior to the conference.

10. REPORT REGARDING ADR. On or before (7 days before FPTC) _____, the parties must report to the undersigned all ADR efforts they have undertaken to comply with the Local Rules or provide sufficient facts to support a finding of just cause for failure to comply. *See L.U.Civ.R.83.7(f)(3).*

SO ORDERED:

11/4/2019
DATE

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE